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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,870	11/12/2003	Michael D. Mills	VUT-014	6742

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LAW OFFICE OF JAMES TROSINO  
92 NATOMA STREET, SUITE 211  
SAN FRANCISCO, CA 94105

EXAMINER
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MARTIN, LAURA E

ART UNIT	PAPER NUMBER
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2853

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09/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/706,870

Applicant(s)

MILLS ET AL.

Examiner

Laura E. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,9-11,25-27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,9-11,25-27,29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) in view of Inose (US 6385407).

#### **Saruta et al. disclose the following claim limitations:**

As per claim 29: a plurality of ink containers (figure 7), each container comprising an ink and an associated tag, each tag comprising rewritable data that identifies the manufacturing date of the associated ink (figure 8A, element 113, figure 7, column 6, lines 10-14); a reader/writer adapted to read data from an identified tag and to write the manufacturing date of the associated ink to the identified tag (column 14, lines 24-50); and a controller coupled to the reader/writer, the controller adapted to determine if the expiration date of the ink associated with the identified tag has been exceeded (column 14, lines 24-50).

As per claim 30: providing a plurality of tags (figure 8A, element 113, figure 7, column 6, lines 10-14); uniquely associating each tag with a corresponding one of the containers, each tag comprising rewritable data that identifies the manufacturing date of

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the associated ink (figure 8A, element 113, column 14, lines 24-34); reading the data from an identified tag (column 14, lines 24-50); and determining if the expiration of the data associated with the identified tag has been exceeded (column 14, lines 24-50).

As per claim 9: each tag is attached to the associated container (figure 8A, element 113).

As per claim 27: disabling the printing system if the expiration date of the ink associated with the identified tag has been exceeded (column 14, lines 24-56)

**Saruta et al. do not explicitly disclose the following claim limitations:**

As per claims 29 and 30: a reader/writer to read data from an identified tag and to write the manufacturing date of the associated ink to the identified tag.

**Inose discloses the following claim limitations:**

As per claims 29 and 30: a reader/writer to read data from an identified tag and to write the manufacturing date of the associated ink to the identified tag (column 8, lines 13-34; column 10, lines 5-45; column 2, lines 42-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printing system taught by Saruta et al. with the disclosure of Inose in order to provide a container that is inexpensive and contains a strong management system.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) and Inose (US 6385407), and further in view of Seino et al. (US 6361138).

**Saruta et al. as modified disclose the following claim limitations:**

The printing system of claim 29.

**Saruta et al. as modified do not disclose the following claim limitations:**

Each tag comprises a memory with logic which stores the manufacturing date data of the associated ink, and a source which generates a signal relating to the data; and wherein the reader/writer is adapted to read the signal from the identified tag.

**Seino et al. disclose the following claim limitations:**

Each tag comprises a memory with logic which stores the manufacturing date data of the associated ink, and a source which generates a signal relating to the data; and wherein the reader/writer is adapted to read the signal from the identified tag (column 3, line 22-column 4, line 6 and column 1, lines 57-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system taught by Saruta et al. as modified with the disclosure of Seino et al. in order to provide high quality ink.

Claims 3, 10, 11, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) and Inose (US 6385407), and further in view of Haines et al. (US 6808255).

**Saruta et al. as modified disclose the following claim limitations:**

The printing system of claim 29 and the method of claim 30.

**Saruta et al. as modified do not disclose the following claim limitations:**

As per claims 3 and 26: a signal comprising a radio frequency signal

As per claims 10 and 25: the signal from the identified tag is transmitted to the reader/writer wirelessly

As per claim 11: a tag comprising a RF identification tag.

**Haines et al. disclose the following claim limitations:**

As per claims 3 and 26: a signal comprising a radio frequency signal (column 3, lines 45-55 and figure 3, element 36).

As per claims 10 and 25: the signal from the identified tag is transmitted to the reader/writer wirelessly (column 3, lines 34-55 and figure 3, element 36).

As per claim 11: a tag comprising a RF identification tag (column 3, lines 45-55 and figure 3, element 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Saruta et al. as modified with the disclosure of Haines et al. in order to provide for a higher quality printer

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) and Inose (US 6385407), and further in view of Trafton et al. (US 2003/0043243).

**Saruta et al. as modified disclose the following claim limitations:**

The printing system of claim 29 and the method of claim 30.

**Saruta et al. as modified do not disclose the following claim limitations:**

A memory storing data that identifies the color of the associated ink.

**Trafton et al. disclose the following claim limitations:**

Trafton teaches the memory storing data identifying the color of the associate ink [0010].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Saruta et al. as modified with the disclosure of Trafton et al. in order to provide for a higher quality printer.

Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (US 6533383) and Inose (US 6385407), and further in view of Yoshimura et al. (US 6019461).

**Saruta et al. as modified disclose the following claim limitations:**

The printing system of claim 29 and the method of claim 30.

**Saruta et al. as modified do not disclose the following claim limitations:**

As per claim 7: a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded.

**Yoshimura et al. disclose the following claim limitations:**

Yoshimura et al. teaches a disabler circuit coupled to the controller, the disabler circuit adapted to disable the printing system if the expiration date of the ink associated with the identified tag has been exceeded (column 4, line 65-column 5, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus and method of Saruta et al. as modified with the disclosure of Yoshimura et al. in order to create a higher quality printer.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3, 4, 7, 9-11, 25-27, 29, and 30 have been considered but are moot in view of the new ground(s) of rejection.

The examiner would like to point out that Inose writes in column 10, lines 5-33 that the manufacturer ID information, including the manufacturing date, are stored (written) onto the memory by use of a reader/writer. While the invention of Inose is to be used for limiting re-writing said data, it is noted that there is a possibility of the user rewriting the data on to the memory (column 10, lines 34-45).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin

  
9/12/07  
MANISH S. SHAH  
PRIMARY EXAMINER